

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TIMOTHY F. CHENAULT,

Plaintiff,

Civil No. 05-3040-CO

v.

FINDINGS AND  
RECOMMENDATION

BERNIE GUISTO, et al.,

Defendants.

COONEY, Magistrate Judge.

BY Order (#5) entered June 9, 2005, plaintiff was ordered to show cause in writing by August 9, 2005, why this action should not be dismissed for failure to prosecute (notice of change of address). The court's order was returned as undeliverable. Plaintiff has not shown cause as ordered by the court, filed a notice of change of address or otherwise responded. This case should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice

of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 26 day of August, 2005.

S/  
John P. Cooney  
United States Magistrate Judge